## IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION

DAVID MICHAEL JEFFERYS,	)	
Plaintiff,	)	
V.	)	
V.	)	Civil No. 5:12-CV-00786-FL
CAROLYN W. COLVIN,	)	
Acting Commissioner of Social Security,	)	
	)	
Defendant.	)	

## **ORDER**

Plaintiff's counsel filed a motion for attorney's fees under 42 U.S.C. § 406(b) in the amount of \$9,853.00. Attorney's fees under 42 U.S.C. § 406(b) are paid from past-due benefits awarded to a successful claimant. The fee request is in addition to the \$3,971.00 in fees awarded by this Court under the Equal Access to Justice Act.

Defendant filed a reply to the motion noting that under *Gisbrecht v. Barnhart*, 535 U.S. 789 (2002), it is the duty of the Court to determine a reasonable fee.

It is ORDERED that Plaintiff's counsel be awarded fees under 42 U.S.C. § 406(b) in the amount of \$ \$9,853.00 , and ordered to refund to Plaintiff the smaller award between this amount and the EAJA award.

So ordered, this <u>11th</u> day of <u>October</u>, 2016.

Honorable Louise Wood Flanagan United States District Judge